

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 08-03111-01-CR-S-RED
	)	
DAVID IAN GARDNER,	)	
	)	
Defendant .	)	

**REPORT AND RECOMMENDATION**

A psychological/psychiatric evaluation was ordered pursuant to 18 U.S.C. §§ 4241 and 4242. After the evaluation, a report was received from Richard Frederick, Ph.D, Clinical Psychologist, United States Medical Center for Federal Prisoners. The matter was called for a hearing. The defendant appeared in person and with counsel Ann M. Koszuth, Assistant Federal Public Defender. The United States was represented by Douglas C. Bunch, Assistant United States Attorney. Both parties announced that they had no information, other than the conclusion reached by the psychologist.

With regard to the issue of competency to proceed, the conclusion was “It is our opinion that Mr. Gardner is competent to proceed. He possesses a rational and factual appreciation of his circumstances, and he is able to properly assist his attorney.” The psychologist notes that he suffers from a severe mental disorder, however, he is currently properly medicated and the disorder is not interfering with his ability to understand the circumstances or to work with his

attorney. Finally, it is noted that the defendant is expected to remain competent to proceed for the foreseeable future. It is therefore

RECOMMENDED that the defendant be declared competent to proceed.

/s/ James C. England  
**JAMES C. ENGLAND, CHIEF**  
**UNITED STATES MAGISTRATE JUDGE**

Date: November 20, 2008